

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 1, 2004 (Paper No. 7). Upon entry of this response, claims 1-34 are pending in the application. In this response, claims 1-4, 6, 8-9, 15-16, 20, 23-27, and 29-34 have been amended. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Drawings Objections

The drawings are objected to as being informal. Applicant has submitted a set of formal drawings, and requests the objection be withdrawn.

2. Rejection of Claims 1-4, 9-13, 15-18 and 33 under 35 U.S.C. §103

Claims 1-4, 9-13, 15-18 and 33 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Bisberg* (U.S. 3,903,613), and further in view of *Bullen* (U.S. 6,033,226), and *Bloom et al.* (U.S. 5,597,312). Applicant respectfully submits that these rejections have been overcome by the claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

1) The proposed combination does not teach “an active control window of an active account of the virtual server service”

The preamble of claim 1 recites “a virtual server service that provides use of a host computer server to a plurality of clients over a computer network.” Applicant’s specification discusses a “virtual server service” on p. 3 lines 3-13. Another portion of the specification clearly defines virtual server service as “the portion of a host server system of a web host that a reseller or another type of client can configure and operate in a manner similar to a standalone server” (p. 5, lines 5-7).

Ludovici does not disclose “an active control window of an active account of the *virtual server service*” as recited in claim 1. FIGs. 7-12 of *Ludovici* show web pages served by a web server to a browser. The web server can be configured by a system administrator using these web pages. The Office Action alleges that these browser windows correspond to the claimed control window. (Office Action, p. 3, third paragraph). Applicant respectfully disagrees.

Ludovici discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs on the server allow “creating and deleting instances of servers, associating a configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.) The server in *Ludovici* is at most a web server or a web host, but is not a “virtual server” as recited in claim 1, and there is no “virtual server service” described in *Ludovici*.

Thus, none of the control windows in FIGs. 7-12 are “an active control window of an active account of the virtual server service.” Nor does *Bisberg*, *Bullen* or *Bloom et al.* disclose,

teach, or suggest “an active control window of an active account of the virtual server service” as recited in claim 1.

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 1, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 1 is not obvious under the proposed combination, and the rejection should be withdrawn.

2) The proposed combination does not teach “receiving a first request at the host computer server from a prospective client to demonstrate the virtual server service”

The Office Action alleges that *Ludovici et al.* discloses “receiving a first request at the host server from a client to demonstrate the virtual server service,” (Office Action, p. 3, last paragraph), but admits that the client in *Ludovici et al.* is an active client rather than a prospective client as recited in claim 1. The Office Action further alleges that *Bisberg* discloses “receiving a first request at the host server from a **prospective** client to demonstrate the virtual server service,” as recited in claim 1. (Office Action, p. 4, first paragraph.) Applicant disagrees with both allegations.

First, *Ludovici et al.* does not disclose a virtual server, or a virtual server service. Applicant’s explanation of this assertion is discussed in connection with the “active control window” limitation of claim 1, and for the sake of brevity those arguments will not be repeated here. Second, the training simulator equipment disclosed in *Bisberg* does not correspond to the claimed “virtual server service” as alleged in the Office Action. (Office Action, p. 4, first paragraph.) *Bisberg* discloses a bicycle training device consisting of a few electrical components such as a frequency-to-voltage converter 46, a voltage comparator 50 and a dynamometer 52. *Bisberg* contains no discussion of a computer system of any kind.

Although one skilled in the art would understand the term “host server” to refer to a computer system, Applicant has amended claim 1 to recite “host computer server” to further clarify that the virtual server service is provided by a computer, and that the request to demonstrate is received by a computer. Since *Bisberg* does not discuss computers, it cannot possibly disclose anything that can be reasonably interpreted as a “host computer server” or “the virtual server service” as recited in claim 1. Nor does *Bullen* or *Bloom et al.* disclose, teach, or suggest this limitation.

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 1, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 1 is not obvious under the proposed combination, and the rejection should be withdrawn.

3) There is no motivation to combine *Bisberg* and *Ludovici et al.*

Ludovici et al. is directed to computer systems, specifically, web server. *Bisberg* is directed to “a bicycle training device” (Abstract) which includes a bicycle and additional electromechanical parts, but does not include a computer. *Bisberg* and *Ludovici et al.* are therefore non-analogous arts. Because *Bisberg* does not disclose the use of computers, one skilled in the art looking to modify the web server of *Ludovici et al.* so that it can receive “a first request at the host computer server from a prospective client to demonstrate the virtual server service” would not look to *Bisberg*. Furthermore, *Bisberg* teaches demonstrating a bicycle, which is a device. *Bisberg* does not teach demonstrating a service of any kind, or a service provided by a host computer server. This is another reason why there is no motivation to combine *Bisberg* and *Ludovici et al.*

4) The proposed combination does not teach a “simulated control window having a plurality of demonstration components that simulate corresponding system administration components of the active control window of the virtual server service”

The Office Action alleges that the windows of computer based training system disclosed in *Bullen* correspond to the claimed “simulated control window.” (Office Action, p. 4, last paragraph.) Applicant respectfully disagrees. Applicant’s invention as defined in claim 1 demonstrates “a virtual server service that provides use of a host computer server to a plurality of clients over a computer network.” Thus, Applicant’s invention as defined in claim 1 uses a computer system (“host computer system”) to demonstrate a computerized service (“virtual server service”).

In contrast, the training system in *Bullen* uses a computer to train an operator “how to use a device, such as a machining or other tool in an environment outside the computer.” (Col. 1 lines 10-12). The windows in FIGs. 4-16 of *Bullen* teach the use of a computerized system to simulate the use of a tool outside of the computer environment. However, the tools simulated in *Bullen* are not computerized, and they are not a service. Thus, *Bullen* does not teach the above-recited features of claim 1.

The Office Action admits that *Ludovici et al.* does not disclose “demonstration components that simulate corresponding system administration components of the active control window of the virtual server service.” (Office Action, p. 4, last paragraph). Nor does *Bisberg* or *Bloom et al.* disclose, teach, or suggest this limitation. Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 1, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 1 is not obvious under the proposed combination, and the rejection should be withdrawn.

b. Claim 15

1) The combination does not teach “sending a first request to the host server computer for demonstrating the virtual server service”

The Office Action alleges that *Ludovici et al.* discloses “under control of a client system, sending a first request to the host server for demonstrating the virtual server service,” (Office Action, p. 22, second paragraph), but admits that the client in *Ludovici et al.* is an active client rather than a prospective client as recited in claim 15. The Office Action further alleges that *Bisberg* discloses “under control of a **prospective** client system, sending a first request to the host server for demonstrating the virtual server service,” as recited in claim 1. (Office Action, p. 22, second paragraph.) Applicant disagrees with both allegations.

First, *Ludovici et al.* does not disclose a virtual server, or a virtual server. Applicant’s explanation of this assertion is discussed in connection with the “active control window” limitation of claim 1, and for the sake of brevity those arguments will not be repeated here. Second, the training simulator equipment disclosed in *Bisberg* does not correspond to the “virtual server service” as alleged in the Office Action. (Office Action, p. 22, second paragraph.) *Bisberg* discloses a bicycle training device consisting of a few electrical components such as a frequency-to-voltage converter 46, a voltage comparator 50 and a dynamometer 52. *Bisberg* contains no discussion of a computer system of any kind.

Although one skilled in the art would understand the term “host server” to refer to a computer system, Applicant has amended claim 15 to recite “host server computer” to further clarify that the virtual server service is provided by a computer, and that the request to demonstrate is sent to a computer. Since *Bisberg* does not discuss computers, it cannot possibly disclose anything that can be reasonably interpreted as a “host server computer” or “the virtual server service” as recited in claim 15.

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 15, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 15 is not obvious under the proposed combination, and the rejection should be withdrawn.

2) There is no motivation to combine *Bisberg* and *Ludovici et al.*

Ludovici et al. is directed to computer systems, specifically, web server. *Bisberg* is directed to “a bicycle training device” (Abstract) which includes a bicycle and additional electromechanical parts, but does not include a computer. *Bisberg* and *Ludovici et al.* are therefore non-analogous arts. Because *Bisberg* does not disclose the use of computers, one skilled in the art looking to modify the web server of *Ludovici et al.* so that it can receive “a first request at the host computer server from a prospective client to demonstrate the virtual server service” would not look to *Bisberg*. Furthermore, *Bisberg* teaches demonstrating a bicycle, which is a device. *Bisberg* does not teach demonstrating a service of any kind, or a service provided by a host computer server. This is another reason why there is no motivation to combine *Bisberg* and *Ludovici et al.*

3) The proposed combination does not teach “the simulated control window having a plurality of demonstration components that simulate corresponding administration components of the active control window of the virtual server service”

The Office Action alleges that the windows of computer based training system disclosed in *Bullen* correspond to the claimed “simulated control window.” (Office Action, p. 23, first paragraph.) Applicant respectfully disagrees. Applicant’s invention as defined in claim 15 demonstrates “a virtual server service that provides use of a host server computer to a plurality of clients over a computer network.” Thus, Applicant’s invention as defined in claim 15 uses a

computer system (“host server computer”) to demonstrate a computerized service (“virtual server service”).

In contrast, the training system in *Bullen* uses a computer to train an operator “how to use a device, such as a machining or other tool in an environment outside the computer.” (Col. 1 lines 10-12). The windows in FIGs. 4-16 of *Bullen* teach the use of a computerized system to simulate the use of a tool outside of the computer environment. However, the tools simulated in *Bullen* are not computerized, and they are not a service. Thus, *Bullen* does not teach the above-recited features of claim 15.

The Office Action admits that *Ludovici et al.* does not disclose “demonstration components that simulate corresponding system administration components of the active control window of the virtual server service.” (Office Action, p. 22, last paragraph). Nor does *Bisberg* or *Bloom et al.* disclose, teach, or suggest this limitation. Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 15, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 15 is not obvious under the proposed combination, and the rejection should be withdrawn.

c. Claim 33

1) The proposed combination does not teach “sending an active control window of an active account of the virtual server service”

The preamble of claim 33 recites “a virtual server service that provides use of a host server computer to a plurality of clients over a computer network.” Applicant’s specification discusses a “virtual server service” on p. 3 lines 3-13. Another portion of the specification clearly defines virtual server service as “the portion of a host server system of a web host that a reseller

or another type of client can configure and operate in a manner similar to a standalone server”
(p. 5, lines 5-7).

Ludovici does not disclose “sending an active control window of an active account of the *virtual server service*” as recited in Claim 33. FIGs. 7-12 of *Ludovici* show web pages served by a web server to a browser. The web server can be configured by a system administrator using these web pages. The Office Action alleges that these browser windows correspond to the claimed control window. (Office Action, p. 30, second paragraph). Applicant respectfully disagrees.

Ludovici discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs on the server allow “creating and deleting instances of servers, associating a configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.) The server in *Ludovici* is at most a web server or a web host, but is not a “virtual server” as recited in claim 33, and there is no “virtual server service” described in *Ludovici*.

Although one skilled in the art would understand the term “host server” to refer to a computer system, Applicant has amended claim 33 to recite “host server computer” to further clarify that the virtual server service is provided by a computer, and that the request to demonstrate is received by a computer. Since *Bisberg* does not discuss computers, it cannot possibly disclose anything that can be reasonably interpreted as a “host server computer” or “the virtual server service” as recited in claim 33. Nor does *Bisberg*, *Bullen* or *Bloom et al.* disclose, teach, or suggest this limitation.

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 33, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 33 is not obvious under the proposed combination, and the rejection should be withdrawn.

2) The proposed combination does not teach a “sending a simulated control window of the virtual server service to a prospective client system”

The Office Action alleges that *Ludovici et al.* discloses “sending a control window of the virtual server service to a prospective client system,” (Office Action, p. 30, last paragraph), but admits that the control window in *Ludovici et al.* is not simulated as recited in claim 33. The Office Action further alleges that *Bullen* discloses “sending a control window of the virtual server service to a prospective client system,” as recited in claim 33. (Office Action, p.30, last paragraph.) Applicant disagrees with both allegations.

First, *Ludovici et al.* does not disclose a virtual server, or a virtual server service. Applicant’s explanation of this assertion is discussed in connection with the “active control window” limitation of claim 1, and for the sake of brevity those arguments will not be repeated here. Second, the windows of computer based training system disclosed in *Bullen* do not correspond to the claimed “simulated control window” as alleged in the Office Action. (Office Action, p. 30, fourth paragraph.)

Applicant’s invention as defined in claim 33 demonstrates “a virtual server service that provides use of a host computer server to a plurality of clients over a computer network.” Thus, Applicant’s invention as defined in claim 33 uses a computer system (“host computer system”) to demonstrate a computerized service (“virtual server service”). In contrast, the training system in *Bullen* uses a computer to train an operator “how to use a device, such as a machining or other tool in an environment outside the computer.” (Col. 1 lines 10-12). The windows in FIGs. 4-16

of *Bullen* teach the use of a computerized system to simulate the use of a tool outside of the computer environment. However, the tools simulated in *Bullen* are not computerized, and they are not a service. Thus, *Bullen* does not teach the above-recited features of claim 33. Nor does *Bisberg* or *Bloom et al.* disclose, teach, or suggest this limitation.

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 33, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 33 is not obvious under the proposed combination, and the rejection should be withdrawn.

3) The proposed combination does not teach “sending a simulated control window of the virtual server service to a prospective client system that does not have access to an active account”

The Office Action alleges that *Bisberg* teaches the above-recited limitation. (Office Action, p. 31, last paragraph.) Applicant respectfully disagrees. *Bisberg* discloses a bicycle training device consisting of a few electrical components such as a frequency-to-voltage converter 46, a voltage comparator 50 and a dynamometer 52. *Bisberg* contains no discussion of a computer system of any kind. Although one skilled in the art would understand the term “client system” to refer to a computer system, Applicant has amended claim 33 to recite “client computer system.” Since *Bisberg* does not discuss computers, it cannot possibly disclose anything that can be reasonably interpreted as a “a prospective client computer system” recited in claim 33.

Furthermore, Applicant can find no discussion in *Ludovici et al.*, *Bisberg*, *Bullen* or *Bloom et al.* of active accounts, inactive accounts, or access to accounts. If this rejection is maintained in the next Office Action, the Examiner is requested to point out with particularity which section of which reference is alleged to teach “a prospective client system that does not have access to an active account.”

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 33, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 33 is not obvious under the proposed combination, and the rejection should be withdrawn.

4) There is no motivation to combine *Bisberg* and *Ludovici et al.*

Ludovici et al. is directed to computer systems, specifically, web server. *Bisberg* is directed to “a bicycle training device” (Abstract) which includes a bicycle and additional electromechanical parts, but does not include a computer. *Bisberg* and *Ludovici et al.* are therefore non-analogous arts. Because *Bisberg* does not disclose the use of computers, one skilled in the art looking to modify the web server of *Ludovici et al.* so that it can send “a simulated control window of the virtual server service” would not look to *Bisberg*. Furthermore, *Bisberg* teaches demonstrating a bicycle, which is a device. *Bisberg* does not teach demonstrating a service of any kind, or a service provided by a host computer server. This is another reason why there is no motivation to combine *Bisberg* and *Ludovici et al.*

d. Claims 2-4, 10-13, and 16-18

Since claims 1, 9, and 15 are allowable, Applicant respectfully submits that claims 2-4, 10-13, and 16-18 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2-4, 10-13, and 16-18 be withdrawn.

3. Rejection of Claims 5-8, 14 and 19 under 35 U.S.C. §103

Claims 5-8, 14 and 19 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Bisberg* (U.S. 3,903,613), *Bullen* (U.S. 6,033,226), *Bullen* (U.S. 5,597,312) and *Wall et al.* (U.S. 6,766,311) and further in view of *Rieger, III* (U.S.

6,654,800), *Carlson* (U.S. Patent 6,697,849) *Forbes et al.* (U.S. Patent application 2001/0029605), *Reisman* (U.S. Patent application 2002/0124055 and *Kloba et al.* (U.S. 6,553,412). Applicant respectfully traverses these rejections. Since claims 1, 9, and 15 are allowable, Applicant respectfully submits that claims 5-8, 14 and 19 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 5-8, 14 and 19 be withdrawn.

4. Rejection of Claims 20-22, 25, 27, 28, 31 and 34 under 35 U.S.C. §103

Claims 20-22, 25, 27, 28, 31 and 34 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Rieger, III* (U.S. 6,654,800), and further in view of *Bisberg* (U.S. 3,903,613), *Bullen* (U.S. 6,033,226) and *Bullen* (U.S. 5,597,312).

Applicant respectfully submits that these rejections have been overcome by the claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 20

1) The proposed combination does not teach “demonstration components operable to simulate a computerized transaction”

Ludovici does not disclose “demonstration components operable to simulate a computerized transaction” as recited in claim 20. *Ludovici* discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.”

(Abstract.) A plurality of HTML forms and corresponding binary programs on the server allow “creating and deleting instances of servers, associating a configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.).

FIGs. 7-12 of *Ludovici* show web pages served by a web server to a browser. These web pages contain components that allow a system administrator to configure the web server.

Applicant will assume, *arguendo*, that configuring the web server corresponds to “a computerized transaction.” Even so, because these components act to affect the web server’s configuration, they are not “demonstration components” and they do not “simulate” anything.

Bisberg contains no discussion of a computer system of any kind, and thus cannot teach simulating a computerized transaction. *Bullen* teaches the use of a computerized system to simulate the use of a tool outside of the computer environment. (Abstract). However, the tools simulated in *Bullen* are not computerized and are not a transaction, as recited in claim 20. *Bloom et al.* teaches the use of a computerized system to tutor a student. If anything in *Bloom et al.* could be characterized as “simulated,” it is the interaction between a live teacher and the student, not a computerized transaction as recited in claim 20. Finally, Applicant can find no discussion in *Rieger III* of either simulation or demonstration.

Since the proposed combination of *Ludovici et al.*, *Rieger III*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 20, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 20 is not obvious under the proposed combination, and the rejection should be withdrawn.

2) There is no motivation to combine *Bisberg* and *Ludovici et al.*

Ludovici et al. is directed to computer systems, specifically, web server. *Bisberg* is directed to “a bicycle training device” (Abstract) which includes a bicycle and additional

electromechanical parts, but does not include a computer. *Bisberg* and *Ludovici et al.* are therefore non-analogous arts. Because *Bisberg* does not disclose the use of computers, one skilled in the art looking to modify the web server of *Ludovici et al.* so that it can receive “a first request at the host computer server from a prospective client to demonstrate the virtual server service” would not look to *Bisberg*. Furthermore, *Bisberg* teaches demonstrating a bicycle, which is a device. *Bisberg* does not teach demonstrating a service of any kind, or a service provided by a host computer server. This is another reason why there is no motivation to combine *Bisberg* and *Ludovici et al.*

b. Claim 27

1) The proposed combination does not teach “components operable to configure the virtual server service”

Applicant’s specification discusses a “virtual server service” on p. 3 lines 3-13. Another portion of the specification clearly defines virtual server service as “the portion of a host server system of a web host that a reseller or another type of client can configure and operate in a manner similar to a standalone server” (p. 5, lines 5-7).

Ludovici does not disclose “components operable to configure the *virtual server service*” as recited in claim 27. FIGs. 7-12 of *Ludovici* show web pages served by a web server to a browser. The web server can be configured by a system administrator using these web pages. The Office Action alleges that these browser windows correspond to the claimed control window. (Office Action, p. 61, third paragraph). Applicant respectfully disagrees.

Ludovici discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs on the server allow “creating and deleting instances of servers, associating a configuration file with a server instance, changing server instance start up

parameters, and starting, ending, and restarting server instances.” (Abstract.). The server in *Ludovici* is at most a web server or a web host., but is not a “virtual server” as recited in claim 27, and there is no “virtual server service” described in *Ludovici*. Thus, none of the control windows in FIGs. 7-12 are “components operable to configure the virtual server service.” Nor does *Rieger III*, *Bisberg*, *Bullen* or *Bloom et al.* disclose, teach, or suggest “components operable to configure the virtual server service” as recited in claim 27.

Since the proposed combination of *Ludovici et al.*, *Rieger III*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 27, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 27 is not obvious under the proposed combination, and the rejection should be withdrawn.

2) The proposed combination does not teach “demonstration components operable to simulate configuring of the virtual server service”

Ludovici does not disclose “demonstration components operable to simulate configuring of the virtual server service” as recited in claim 27. *Ludovici* discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs on the server allow “creating and deleting instances of servers, associating a configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.).

FIGs. 7-12 of *Ludovici* show web pages served by a web server to a browser. These web pages contain components that allow a system administrator to configure the web server. However, as stated above, the web server is not a virtual server, and therefore *Ludovici* does not teach configuring the virtual server service. Furthermore, because these components act to affect

the web server's configuration, they are not "demonstration components" and they do not "simulate" anything.

Nor does *Bullen* disclose "demonstration components" that "simulate configuring of the virtual server service" as recited in claim 27. The training system in *Bullen* uses a computer to train an operator "how to use a device, such as a machining or other tool in an environment outside the computer." (Col. 1 lines 10-12). In contrast, Applicant's invention as defined in claim 27, demonstrates "a virtual server service that provides use of a host computer server to a plurality of clients over a computer network." Thus, Applicant's invention as defined in claim 27 uses a computer system ("host server") to simulate a computerized service ("virtual server service").

The windows in FIGs. 4-16 of *Bullen* teach the use of a computerized system to simulate the use of a tool outside of the computer environment. However, the tools simulated in *Bullen* are not computerized, and they are not a service. Thus, *Bullen* does not teach the above-recited features of claim 27.

Bisberg contains no discussion of a computer system of any kind, and thus cannot teach simulating a computerized transaction. *Bloom et al.* teaches the use of a computerized system to tutor a student. If anything in *Bloom et al.* could be characterized as "simulated," it is the interaction between a live teacher and the student, not a computerized transaction as recited in claim 27. Finally, Applicant can find no discussion in *Rieger III* of either simulation or demonstration.

Since the proposed combination of *Ludovici et al.*, *Rieger III*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 27, a *prima facie* case

establishing an obviousness rejection has not been made. Thus, claim 27 is not obvious under the proposed combination, and the rejection should be withdrawn.

3) There is no motivation to combine *Bisberg* and *Ludovici et al.*

Ludovici et al. is directed to computer systems, specifically, web server. *Bisberg* is directed to “a bicycle training device” (Abstract) which includes a bicycle and additional electromechanical parts, but does not include a computer. *Bisberg* and *Ludovici et al.* are therefore non-analogous arts. Because *Bisberg* does not disclose the use of computers, one skilled in the art looking to modify the web server of *Ludovici et al.* so that it can receive “a first request at the host computer server from a prospective client to demonstrate the virtual server service” would not look to *Bisberg*. Furthermore, *Bisberg* teaches demonstrating a bicycle, which is a device. *Bisberg* does not teach demonstrating a service of any kind, or a service provided by a host computer server. This is another reason why there is no motivation to combine *Bisberg* and *Ludovici et al.*

c. Claim 34

1) The proposed combination does not teach “the active client having an active account on the host server allowing configuration of the virtual server service”

Applicant’s specification discusses a “virtual server service” on p. 3 lines 3-13. Another portion of the specification clearly defines virtual server service as “the portion of a host server system of a web host that a reseller or another type of client can configure and operate in a manner similar to a standalone server” (p. 5, lines 5-7).

Ludovici does not disclose a “virtual server service” as recited in Claim 34. *Ludovici* discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs on the server allow “creating and deleting instances of servers, associating a

configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.) The server in *Ludovici* is at most a web server or a web host, but is not a “virtual server” as recited in Claim 34, and there is no “virtual server service” described in *Ludovici*.

Nor does *Rieger III*, *Bisberg*, *Bullen* or *Bloom et al.* disclose, teach, or suggest a “virtual server service” as recited in claim 34. Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 34, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 34 is not obvious under the proposed combination, and the rejection should be withdrawn.

2) The proposed combination does not teach a “sending a simulated control window...having a plurality of demonstration components that simulate corresponding system administration components of the active control window”

The Office Action alleges that *Ludovici et al.* discloses “sending a control window ...having a plurality of demonstration components that simulate corresponding system administration components of the active control window,” (Office Action, p. 67, last paragraph), but admits that the control window in *Ludovici et al* is is not simulated as recited in claim 34. The Office Action further alleges that *Bullen* discloses “sending a control window of the virtual server service to a prospective client system” as recited in claim 34. (Office Action, p. 67, last paragraph.) Applicant disagrees with both allegations.

First, *Ludovici et al.* does not disclose a virtual server, or a virtual server service. Applicant’s explanation of this assertion is discussed in connection with the “active control window” limitation of claim 1, and for the sake of brevity those arguments will not be repeated here. Second, the windows of computer based training system disclosed in *Bullen* do not correspond to the claimed “simulated control window” as alleged in the Office Action.

Applicant's invention as defined in claim 34 demonstrates "a virtual server service that provides use of a host computer server to a plurality of clients over a computer network." Thus, Applicant's invention as defined in claim 34 uses a computer system ("host computer system") to demonstrate a computerized service ("virtual server service"). In contrast, the training system in *Bullen* uses a computer to train an operator "how to use a device, such as a machining or other tool in an environment outside the computer." (Col. 1 lines 10-12). The windows in FIGs. 4-16 of *Bullen* teach the use of a computerized system to simulate the use of a tool outside of the computer environment. However, the tools simulated in *Bullen* are not computerized, and they are not a service. Thus, *Bullen* does not teach the above-recited features of claim 34. Nor does *Bisberg* or *Bloom et al.* disclose, teach, or suggest this limitation.

Since the proposed combination of *Ludovici et al.*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 34, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 34 is not obvious under the proposed combination, and the rejection should be withdrawn.

3) The proposed combination does not teach "receiving a first request at the host server computer from a prospective client to demonstrate the virtual server service"

The Office Action alleges that *Bisberg* teaches "receiving a first request at the host server from a prospective client to demonstrate the virtual server service". (Office Action, p. 67, first paragraph.) Applicant respectfully disagrees. *Bisberg* discloses a bicycle training device consisting of a few electrical components such as a frequency-to-voltage converter 46, a voltage comparator 50 and a dynamometer 52. *Bisberg* contains no discussion of a computer system of any kind. Although one skilled in the art would understand the term "host server" to refer to a computer system, Applicant has amended claim 34 to recite "host server computer" and "client computer system." Since *Bisberg* does not discuss computers, it cannot possibly disclose

anything that can be reasonably interpreted as a “host server computer” or a “prospective client computer system” as recited in claim 34.

Since the proposed combination of *Ludovici et al.*, *Rieger III*, *Bisberg*, *Bullen* and *Bloom et al.* does not teach at least the above-described features recited in claim 34, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 34 is not obvious under the proposed combination, and the rejection should be withdrawn.

4) There is no motivation to combine *Bisberg* and *Ludovici et al.*

Ludovici et al. is directed to computer systems, specifically, web server. *Bisberg* is directed to “a bicycle training device” (Abstract) which includes a bicycle and additional electromechanical parts, but does not include a computer. *Bisberg* and *Ludovici et al.* are therefore non-analogous arts. Because *Bisberg* does not disclose the use of computers, one skilled in the art looking to modify the web server of *Ludovici et al.* so that it can send “a simulated control window of the virtual server service” would not look to *Bisberg*. Furthermore, *Bisberg* teaches demonstrating a bicycle, which is a device. *Bisberg* does not teach demonstrating a service of any kind, or a service provided by a host computer server. This is another reason why there is no motivation to combine *Bisberg* and *Ludovici et al.*

d. Claims 22, 25, 28, and 31

Since claims 20 and 27 are allowable, Applicant respectfully submits that claims 22, 25, 28 and 31 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 22, 25, 28, and 31 be withdrawn.

5. Rejection of Claims 23 and 29 under 35 U.S.C. §103

Since claims 20 and 27 are allowable, Applicant respectfully submits that claims 23 and 29 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 23 and 29 be withdrawn.

6. Rejection of Claims 24 and 30 under 35 U.S.C. §103

Since claims 20 and 27 are allowable, Applicant respectfully submits that claims 24 and 30 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 24 and 30 be withdrawn.

7. Rejection of Claims 26 and 32 under 35 U.S.C. §103

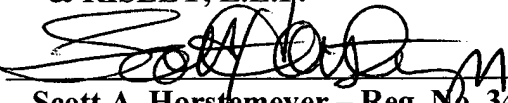
Since claims 20 and 27 are allowable, Applicant respectfully submits that claims 26 and 32 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 26 and 32 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-34 be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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